

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14953 of the 1527 - 16th Street Limited Partnership, pursuant to 11 DCMR 3108.1, for a special exception under Section 508 to allow an office for an international organization, non-profit organization, labor union, architect, dentist, doctor, engineer, lawyer or similar professional person in an SP-1 District at premises 1527 - 16th Street, N.W., (Square 194, Lot 805).

HEARING DATE: February 22, 1989  
DECISION DATE: April 5, 1989

FINDINGS OF FACT:

1. The property is located on the east side of 16th Street between Church and Q Streets, N.W. and is known as premises 1527 - 16th Street, N.W. The property is located in an SP-1 District.

2. The site is rectangular in shape and has a land area of 2,250 square feet. The site has a 24.9 foot frontage on 16th Street and a depth of 90 feet.

3. The site is improved with a three story with basement brick row dwelling constructed in 1910. The building contains 6,108 square feet of gross floor area.

4. The property is located within the boundaries of the Sixteenth Street Historic District and has been determined by the Historic Preservation Review Board, to contribute to the character of the Historic District.

5. The dwelling was previously used as an apartment building and a beauty parlor. It is presently vacant and has been for 3 years, except for one tenant - a partner to the applicant association.

6. The zoning of the site, SP-1, permits matter-of-right medium density developments, including all kinds of residential uses. Limited offices for non-profit organizations, trade associations and professionals are permitted as a special exception requiring approval of the Board. Square 194, which is split-zoned, also contains an R-5-B Zoning District.

7. The immediate area surrounding the site is characterized by a mixture of high-rise office buildings, apartment buildings, townhouses converted to office use, churches, a hostelry, and a few single family residences which have been converted to multi-family use. The structure is surrounded by other vacant buildings, including the Jewish Community Center and apartments at 1523 - 1525 16th Street, N.W.

8. The Jewish Community Center, which is located next door to the subject site, formerly housed the basketball program or athletic center for the University of the District of Columbia.

9. The subject building is structurally sound. However, from neglect and non-use, the building began to fall into disrepair. Corrosion was caused by unrepaired gutters. Damage to the roof caused leaking water to damage interior walls, the hardwood floors, the bathroom and kitchen.

10. The building contains separate entrances for the ground floor and upper levels. There is currently a wooden staircase going through the building which provides one means of egress. Two means of egress are required.

11. There is a 10-foot alley located to the west of the site. There is a rear yard and a deteriorating retaining wall on the south side of the property.

12. The applicant proposes to use the ground level of the building for two one-bedroom apartment units. The upper levels are to be converted to office use. The applicant plans to renovate the structure, ensuring its compliance with current fire and safety regulations. The number of employees at the site will be limited to 18, with 255 square feet per employee. The renovation plan also envisions the premises being occupied by only one employer. There will be 3 offices on the first floor, 4 offices on the second floor and five offices on the third floor, for a total of 12 offices. The existing walls will be preserved.

13. A new staircase will be installed on the back of the building. Along with the fire escape presently there, this new staircase will be considered the second means of egress required by the fire department.

14. The applicant indicated that the exterior of the building will be refurbished to highlight its architecturally significant elements. The rear of the structure will contain a small landscaped area, a sunken patio and one parking space. A bus stop located in front of the site prevents on street parking there.

15. The applicant's traffic consultant conducted a study to determine the availability of off-street parking spaces in the immediate area of the subject site, and a study of the traffic generated by SP office uses. The traffic consultant determined that there are approximately 425 parking spaces in garages and lots in the immediate area. It was his opinion that the available off-street parking spaces are more than adequate to serve the short-term parking needs of the subject building.

16. Parking is permitted on 16th Street and is unregulated except during the "rush" hours from 7:00 to 9:30 A.M. and 4:00 to 6:30 P.M. when both parking and standing are prohibited.

17. Parking on the east-west streets, Q Street, Church Street and P Street, is generally controlled by the residential parking permit regulations which allow only two hours of parking without a special permit.

18. The double square bounded by 16th, Q, 15th and P Streets contain three surface lots which provide permit parking and contain space for over 150 vehicles.

19. The traffic consultant's survey of a typical SP user in this area indicated that over 50 percent of the employees use public transportation, 25 percent walk and less than 25 percent arrive by car. On the basis of this survey, and the fact that the applicant would restrict the number of employees to 18, the traffic consultant stated that only 3-4 parking spaces would be needed. In addition, the traffic consultant's survey of SP offices indicated that, on any given day, only about 5 persons visit the offices of similar sized buildings. In light of these findings, the traffic consultant concluded that the use of the structure for SP offices would have a negligible effect on traffic and parking in the area and along Sixteenth Street.

20. In addition to the on site parking space that will be provided, the applicant has obtained three more parking spaces in a nearby garage. Also, the owner of a lot within two blocks of the site has agreed to provide parking for those who visit the site during the day. The Board agrees with the proposed arrangements. The Zoning Regulations do not, however, require that parking spaces be provided.

21. The traffic consultant also testified to the various means of public transportation available to those who travel to and from the site. He indicated that there are five bus lines which operate between the Federal Triangle and Silver Spring, MD. The S-1, S-3, and S-5 buses operate during rush hours. The S-2 and S-4 lines run all day. Route G-2, which is a cross-town service, operates on

P Street all day. The terminals are Howard and Georgetown Universities. Also, the Dupont Circle Metrorail station is located approximately five blocks to the east of the site along P Street.

22. The Office of Planning (OP), by memorandum dated February 15, 1989, recommended denial of the application. The OP reported that the current and previous uses for Sixteenth Street, between Church and Q Streets, N.W., are approximately 80 percent institutional and residential and the structure's physical characteristics appeared to conform to the zoning requirements for the SP-1 district. The OP report stated that the structure's previous residential use should be continued in order to maintain an appropriate land use mix in the area and so as not to adversely affect the use of properties in the subject area. The OP was of the opinion that the requested relief will not be in harmony with the general purpose and intent of the Zoning Regulations and Maps, and will adversely affect the use of properties in the area. At the hearing, a representative of the OP acknowledged that the Board had previously found that SP office uses in this area are in harmony with other uses in the neighborhood and the OP acknowledged that the height, bulk and design of the historic structure was also in harmony with neighboring structures.

23. The OP also acknowledged, and the Board finds, that other non-residential uses would be permitted as a matter-of-right in the structure and that these uses would have a far greater impact on the area than the proposed use which is sensitive to the mix of uses along Sixteenth Street. The Board also finds that the office use of a portion of this historic structure is consistent with the purposes of the SP-1 District.

24. The D.C. Department of Public Works (DPW), by memorandum dated February 17, 1989, stated that there is a potential that the office use of the site would adversely impact the parking supply in the area and that the applicant should provide additional off-street parking. The DPW found that the site is served by nine bus routes and is within five blocks of the Dupont Circle Metrorail System. With the minimal office use proposed for the structure, there will be no adverse effect on parking during the weekend and at night since the offices will be vacant at that time.

25. Advisory Neighborhood Commission (ANC) 2B, by letter dated February 8, 1989, and by a vote of 3-0-1-1-1, opposed the granting of the application because the applicant did not have a specific tenant for the building, making the ANC unable to determine what effect use of the subject property would have. The ANC also felt that granting the application would contribute to a further loss of

residential housing in the area. The ANC recommended denial of the application. The Board agrees with the recommendation of the ANC.

26. The Residential Action Coalition opposed the application. It is the goal of the organization to support the retention of housing. It was the organization's opinion that while this portion of 16th Street is no longer characterized solely by residential uses to grant the special exception would contribute to the further loss of residential housing in the area.

27. The Board finds that there exists no criteria for striking a balance between residential and commercial uses in an SP Zone. Further, the contention that the applicant is contributing to the eliminating of residential uses is erroneous since residences will be provided by the applicant on the ground level of the structure.

28. Eight letters were received from residents and owners of property in the area in support of the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing Findings of Fact and evidence of record, the Board concludes that the applicant is seeking a special exception to allow professional offices on the first, second and third floors of a structure in an SP-1 Zoning District. The granting of such a special exception requires a showing through substantial evidence that the proposed use is in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property. The applicant must also meet the requirements of Section 508 regulating office uses in SP Districts.

The Board concludes that the applicant has met the standards for granting the relief requested. The Board concludes that the applicant plans to renovate the upper three levels of the subject property for office use.

The Board concludes that the property is located in an SP-1 Zone which allows the use proposed. The Board further concludes that there have been a great number of conversions to office space in the subject area, while some residential uses have also remained. The Board is of the opinion that the proposed use will be in harmony with the general purpose and intent of the Zoning Regulations and Maps and with existing uses on neighboring property.

The Board concludes that the site is located in an Historic District, and that the applicant will retain the structure's current size and outward appearance. The Board

is of the opinion that the height, bulk and design of the structure are in harmony with existing structures on neighboring property.

The Board concludes that the subject site is located in an area where parking availability is scarce due to the heavy regulation of parking in the area and the proximity of the site to a bus stop. The Board concludes that the Regulations do not require that parking spaces be provided, however, the applicant will provide one on-site parking space in the rear. The applicant has also made parking arrangements with a nearby garage and a parking lot to accommodate the few people who are likely to drive to the site. The Board concludes that, given the small scale operation proposed, only 3 or 4 spaces will be needed. The Board is of the opinion that the parking arrangements made by the applicant will be adequate for the proposed use.

The Board concludes that the location of the site, 16th Street, N.W. is a heavy traffic area. This area is well served by public transportation. The Board concludes that the majority of those who frequent the site will use public transportation. The Board is, therefore, of the opinion that the proposed use will not create dangerous or other objectionable traffic conditions if the number of employees is limited to 18.

The Board concludes that no special treatment is necessary to protect the value of neighboring property. The Board further concludes that the proposed use will not tend to affect adversely the use of neighboring property.

The Board concludes that it has accorded the ANC the "great weight" to which it is entitled. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the CONDITION that the applicant shall provide no fewer than three parking spaces as set forth in Exhibit No. 39 of the record.

VOTE: 5-0 (Charles R. Norris, Maybelle Taylor Bennett, Paula L. Jewell, William F. McIntosh and Carrie L. Thornhill to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
EDWARD L. CURRY  
Executive Director

FINAL DATE OF ORDER: AUG 31 1989

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

14953order/BHS8

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



APPLICATION No. 14953

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a letter has been mail to all parties, dated \_\_\_\_\_, and mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Geoffrey P. Gitner  
9011 Saunders Lane  
Bethesda, MD 20817

1527-16th St. LTD. Ptnshp  
1800 K St., N.W., Ste. 600  
Wash, D.C. 20006

Richard B. Nettler, Esq.  
1800 K St., N.W., Ste. 600  
D.C. 20006

Lucien Perkins  
3103 17th Street, N.W.  
D.C. 20010

Stephen Petersen  
16628 S. Westland Drive  
Gaithersburg, MD. 20877

Phyllis H. Nelson  
1613 Riggs Pl., N.W.  
D.C. 20009

Dennis Bass  
1513 Q Street, N.W.  
D.C. 20009

Robert Schwartz  
3703 Morrison St., N.W.  
D.C. 20015

Kathryn A. Eckles  
1524 T Street, N.W.  
D. C. 20009

Jack Evans, Chairperson  
Advisory Neighborhood Commission 2  
1526 Connecticut Avenue, N.W.  
Washington, D. C. 20036

  
\_\_\_\_\_  
EDWARD L. CURRY  
Executive Director

DATE: \_\_\_\_\_